

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

United States of America,)
 Plaintiff,)
vs.) Case No. 10-0162-16-CR-W-FJG
Theodore S. Wiggins,)
 Defendant.)

ORDER

Pending before the Court is the issue of defendant's mental competency. On February 21, 2012, counsel for defendant made an oral motion to allow for judicial determination of defendant's mental competency. Thereafter, on February 22, 2012, this Court ordered defendant be committed to undergo a psychological examination by a licensed or certified psychologist to determine whether defendant is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense (Doc. #643). The resulting forensic report was submitted by Cynthia A. Low, Ph.D., on April 25, 2012 (Doc. #691).

At the direction of this Court, Chief Magistrate Judge Robert E. Larsen held a hearing to determine mental competency on May 15, 2012, at which time the parties stipulated to the forensic report. Judge Larsen subsequently issued a report and recommendation (Doc. #713, May 16, 2012), finding defendant competent to stand trial and to assist in his defense. No objections to the report and recommendation were filed.

The Court, after independent review of the record and applicable law, finds that defendant is competent to understand the nature and consequences of the proceedings against him and to properly assist in his own defense, and that he is competent to stand trial.

IT IS SO ORDERED.

/s/Fernando J. Gaitan, Jr.
Judge Fernando J. Gaitan, Jr.
Chief United States District Judge

Dated: May 17, 2012
Kansas City, Missouri